

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4475

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JEROME SAUNDERS, II,

Defendant - Appellant.

Appeal from the United States District Court for the Southern
District of West Virginia, at Charleston. Charles H. Haden, II,
District Judge. (CR-02-284)

Submitted: March 11, 2004

Decided: March 17, 2004

Before WIDENER, WILKINSON, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Carl J. Roncaglione, Jr., Charleston, West Virginia, for Appellant.
Kasey Warner, United States Attorney, Charleston, West Virginia, R.
Gregory McVey, Assistant United States Attorney, Huntington, West
Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Jerome Saunders pled guilty to aiding and abetting distribution of cocaine base, 21 U.S.C. §§ 2, 841(a)(1) (2000). Saunders' counsel has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967) raising one possible sentencing issue on appeal, but stating that, in his view, there are no meritorious issues for appeal. Saunders was informed of his right to file a pro se supplemental brief, but has failed to do so.

Saunders was denied an adjustment for acceptance of responsibility under U.S. Sentencing Guideline Manual § 3E1.1 (2002) based on three positive drug tests and his unauthorized departure from the jurisdiction while on pre-sentence release. We conclude the district court did not commit clear error in its denial of the adjustment. See United States v. Underwood, 970 F.2d 1336 (4th Cir. 1992); USSG § 3E1.1, comment. (n.3).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Saunders' conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof

was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED